

EXHIBIT "D"

COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Stephen and Michele	:	CIVIL ACTION
McKean,	:	
	:	
Plaintiffs,	:	
	:	NO: 3:12-cv-01206-RDM
-vs-	:	
	:	
Nationwide	:	
Insurance Company	:	
	:	
Defendant.	:	
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Wednesday, July 17, 2013
Dunmore, Pennsylvania

Oral Deposition of RUSSEL ANDRESS held at the
Pennsylvania State Police Headquarters, 85
Keystone Industrial Park, Dunmore Pennsylvania
commencing at approximately 9:50 a.m. on the
above date, before Barbara Kaiser,
Professional Court Reporter and Notary Public.

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13 Stephen McKean
14 Jeffrey P. Resnick, Esq.

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1 Troop R consists of Lackawanna
2 County, Wayne County, Pike County and
3 Susquehanna County.

4 Q. So, before you became a deputy fire
5 marshall, what experience did you have
6 investigating fires?

7 A. None.

8 Q. And you have no engineering degree?

9 A. No.

10 Q. You never studied engineering?

11 A. No.

12 Q. You have no electrical degree?

13 That is, you're not an electrician? You have
14 no license in being an electrician?

15 A. That's correct; I am not an
16 electrician.

17 Q. Have you ever taken courses in
18 electronics?

19 A. Yes.

20 Q. And in what capacity was that?

21 A. Through my continuing education in
22 the fire marshall unit, I had -- let's see --
23 if you can give me a second here -- I attended
24 a class in electrical aspects in fire

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1 investigation by the ATF in 2010.

2 I took Electrical Fire

3 Investigation --

4 Q. Well, how long was that class?

5 A. I'm not sure.

6 Q. A couple of hours?

7 A. That might have been -- one of them
8 was a one-week course -- a lot of seminars and
9 that type of training.

10 Q. Was it a one-week course on
11 electrical both and fire?

12 A. Yes.

13 Q. Just electrical?

14 A. Just electrical.

15 Q. Is that your CV there (indicating)?

16 A. Well, a portion of it, yeah.

17 That's training.

18 Q. Can we get a copy of that?

19 A. You sure can; do you want to take a
20 look at it (handing)?

21 MR. MILSTEIN: Let's mark this
22 as Andress Exhibit 1.

23 Can we have this one
24 (indicating)?

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1 THE WITNESS: Sure. Sure.

2 (At this time, Andress Deposition
3 Exhibit No. 1 was marked for
4 identification.)

5 MR. MILSTEIN: Let's mark the
6 "Expert Testimony" sheets as Andress
7 Exhibit 2.

8 (At this time, Andress Deposition
9 Exhibit No. 2 was marked for
10 identification.)

11 BY MR. MILSTEIN:

12 Q. So your first course in electrical
13 causes of fire was 2010?

14 A. That was strictly dealing with
15 electrical causes of fires; right. The basic
16 fire investigation course covers all manner of
17 causation factors for fire investigation, as
18 well as the advanced arson investigation
19 course.

20 The arson investigation course at
21 the National Fire Academy -- they all cover the
22 basics of electrical fire investigation which
23 we need to look for.

24 Q. But you don't hold yourself out as

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1 an expert in electrical --

2 A. Absolutely not, no.

3 Q. You never -- have you ever been a
4 fireman?

5 A. Never been a fireman.

6 Q. Have you ever fought a fire?

7 A. Never fought a fire.

8 Q. I take it you have been at scenes
9 of fires while they were ongoing?

10 A. Absolutely, yes.

11 Q. So, today, you're deputy fire
12 marshall; correct?

13 A. Yes, there is only one fire
14 marshall for the state in Harrisburg and that's
15 Corporal Nolan Brewbaker.

16 Q. So how long have you been deputy
17 fire marshall?

18 A. March of 1999.

19 Q. So, let's talk about the fire at
20 803 Raymondskill Road in Milford, Pennsylvania
21 on September 22nd of 2011.

22 Are you familiar with that fire?

23 A. I am.

24 Q. When is the first time you were at

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1 objection to the form of the
2 question is ask about the time frame
3 of when he suspected what.

4 BY MR. MILSTEIN:

5 Q. The fire in 1999 -- you suspected
6 at the time it was a fire of incendiary origin;
7 correct?

8 A. Yes.

9 Q. That was your conclusion; right?

10 A. No.

11 Q. But you suspected it was a fire of
12 incendiary origin?

13 A. I suspected it was. It was not my
14 conclusion. My conclusion was that it was a
15 fire of undetermined origin.

16 Q. But you thought it was a fire of
17 incendiary origin?

18 A. What I think and what I can prove
19 are two different things.

20 Q. Obviously.

21 When you got the call in 2011 on
22 this fire, you knew it was in a house that you
23 had previously suspected was a residence that
24 was intentionally set on fire?

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1 A. Yes.

2 Thank you for clarification on that
3 question.

4 Q. You got it. No problem.

5 With respect to the cell phone
6 records that you got and the GPS, did it
7 determine that Mr. McKean was at the residence
8 between 4:30 and 7:14?

9 A. No. What ends up happening in that
10 rural area, most of the towers you hit off of
11 are in New Jersey so you can't -- it's not
12 detailed enough information to --

13 Q. But that's what you were trying to
14 find out? He said he left at 4:30 and came
15 back at 7:14; right?

16 A. Ye.

17 Q. And you were trying to find out if
18 he was, in fact, at the residence between 4:30
19 and 7:14?

20 A. I was trying to determine where he
21 is, if anywhere, at the time; who he called;
22 whether he texted anyone; whether anyone called
23 him -- back all of those things.

24 Q. And, in all of the investigations